



Exempt Action Final Regulation Agency Background Document

Agency name	Virginia Department of Labor and Industry/Safety and Health Codes Board
Virginia Administrative Code (VAC) citation	<p>16 VAC 25-175-1926.6, Incorporation by reference;</p> <p>16 VAC 25-175-1926.31, [Reserved];</p> <p>16 VAC 25-175-1926.450, Scope, application, and definitions applicable to this subpart;</p> <p>16 VAC 25-175-1926.500, Scope, application, and definitions applicable to this subpart;</p> <p>16 VAC 25-175-1926.1500, Scope;</p> <p>16 VAC 25-175-1926. 550, Reserved and former 1926.660 re-designated as 1926.1501;</p> <p>16 VAC 25-175-1926.553, Base-mounted drum hoists;</p> <p>16 VAC 25-175-1926.600, Equipment;</p> <p>16 VAC 25-175-1926.753, Hoisting and rigging;</p> <p>16 VAC 25-175-1926.800, Underground Construction;</p> <p>16 VAC 25-175-1926.856, Removal of walls, floors, and material with equipment;</p> <p>16 VAC 25-175-1926.858, Removal of walls, floors, and material with equipment;</p> <p>16 VAC 25-175-1926.952, Mechanical equipment;</p> <p>16 VAC 25-175-1926.1050, Scope, application, and definitions applicable to this subpart;</p> <p>Appendix A to Part 1926, Designations for general Industry Standards Incorporated into Body of Construction Standards;</p> <p>Subparts AA and BB [Reserved] and</p> <p>16 VAC 25-175-1926.1400 through 16 VAC 175-1926.1442, Cranes and Derricks in Construction (Subpart CC);</p>
Regulation title	Cranes and Derricks in Construction
Action title	Revised Standard for Cranes and Derricks in Construction and Other Related Standards
Final agency action date	January 20, 2011
Document preparation date	January 27, 2011

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

The revised standard will require employers to perform crane inspections, utilize qualified or certified crane operators, address ground conditions, maintain safe distances from power lines using the encroachment prevention precautions, and to fulfill other obligations under the standards.

Federal OSHA has revised the Cranes and Derricks Standard and other related sections of the Construction Standards to update and specify industry work practices necessary to protect employees during the use of cranes and derricks in construction. This revision also addresses advances in the designs of cranes and derricks, related hazards, and the qualifications of employees needed to operate them safely.

Changes under this final rule include that employers must now determine whether the ground is sufficient to support the anticipated weight of hoisting equipment and associated loads. The employer is then required to assess hazards within the work zone that would affect the safe operation of hoisting equipment, such as those of power lines and objects or personnel that would be within the work zone or swing radius of the hoisting equipment. Finally, the employer is required to ensure that the equipment is in safe operating condition through required inspections, and that employees in the work zone are trained to recognize hazards associated with the use of the equipment and any related duties that they are assigned to perform.

OSHA states that the new rule is designed to prevent the leading causes of fatalities, including electrocution, crushed-by/struck-by hazards during assembly/disassembly, collapse and overturn. The revised standard also sets requirements for ground conditions and crane operator assessment. In addition, the rule addresses tower crane hazards, addresses the use of synthetic slings for assembly/disassembly work, and clarifies the scope of the regulation by providing both a functional description and a list of examples for the equipment that is covered.

Another example where the revised standard will be more protective than the current standards is in assembly/disassembly operations, which along with power line contact, are a leading cause of fatalities in crane work. [75 FR 48094]

The final rule addresses both the work practices used as well as other requirements for performing construction work involving cranes and derricks. Employers are required to keep

specified records associated with inspections and operator certification/qualification. [75 FR 48127]

Other sections in Part 1926 amended as a result of the final standard on Cranes and Derricks include the following:

[Subpart A], added §1926.6, Incorporation by reference;

[Subpart C – General Safety and Health Provisions] – §1926.31, [Reserved], was removed and reserved;

[Subpart L – Scaffolds] – §1926.450, Scope, application, and definitions applicable to this subpart, was amended by revising paragraph (a) to reference application to all scaffolds used in workplaces covered by this part, and that it does not apply to crane or derrick suspended personnel platforms;

[Subpart M – Fall Protection] – **§1926.500, Scope, application, and definitions applicable to this subpart**, was amended by revising paragraph (a)(2)(ii), adding paragraph (a)(3)(v), and revising paragraph (a)(4) to reference subpart CC;

[Subpart DD – Cranes and Derricks Used in Demolition and Underground Construction] – added §1926.1500, Scope;

[Subpart N – Helicopters, Hoists, Elevators, and Conveyors] – **amended the heading to subpart N to read: “Subpart N – Cranes, Derricks, Hoists, Elevators, and Conveyors;”**

§1926.550 [Reserved and former §1926.550 re-designated as §1926.1501];

§1926.553, Base-mounted drum hoists, was amended by adding paragraph (c), which states that this section does not apply to base-mount drum hoists used in conjunction with derricks, and which requires conformity with §1926.1436.

[Subpart O – Motorized Vehicles, Mechanical Equipment, and Marine Operations] – §1926.600, Equipment, was amended by revising paragraph (a)(6);

[Subpart R – Steel Erection] – §1926.753, Hoisting and rigging, was amended by revising paragraphs (a) and (c)(4) to reference §1926.1431;

[Subpart S – Underground Construction, Caissons, Cofferdams, and Compressed Air] – §1926.800, Underground Construction, was amended by revising paragraph (t) to reference §1926.1501(g) of 1926 subpart DD;

[Subpart T– Demolition] – §§1926.856 and 1926.858, Removal of walls, floors, and material with equipment, were amended by revising paragraph (b) to reference §1926.1501 of 1926.subpart DD;

[Subpart V – Power Transmission and Distribution] – §1926.952, Mechanical equipment, was amended by adding a new paragraph (c), which is now entitled “Cranes and other lifting equipment” to conform with language in §1926.1400 (c)(4), and to ensure that comparable safety requirements exist for digger derricks performing electrical pole work;

[Subpart X – Stairways and Ladders] – §1926.1050, Scope, application, and definitions applicable to this subpart, was amended by revising paragraph (a) to explain that subpart X does not apply to integral components of equipment covered by subpart CC, and to further explain that only subpart CC establishes the circumstances when ladders and stairways must be provided on equipment covered by subpart CC;

Appendix A to Part 1926 – Designations for General Industry Standards Incorporated into Body of Construction Standards – was amended by removing the row containing “1926.550(a)(19)” and “1910.184(c)(9)” from the table “1926 DESIGNATIONS FOR APPLICABLE 1910 STANDARDS;” and

Subparts AA and BB – were reserved; and

Subpart CC – Cranes and Derricks in Construction – was added.

Types of Cranes Included Under the Revised Standard:

The new federal standard applies to virtually all power-operated equipment, when used in construction, that can hoist, lower and horizontally move a suspended load, including, but not limited to the following (see 1926.1400 (a)):

Articulating cranes (i.e., knuckle-boom cranes);

- crawler cranes;
- floating cranes;
- cranes on barges;
- locomotive cranes;
- mobile cranes (i.e., wheel-mounted, rough-terrain, all-terrain, commercial truck-mounted, and boom truck cranes);
- multi-purpose machines when configured to hoist and lower (by means of a winch or hook) and horizontally move a suspended load;
- industrial cranes (i.e., carry-deck cranes);
- dedicated pile drivers;
- service/mechanic trucks with a hoisting device;
- a crane on a monorail;
- tower cranes (i.e., fixed jib, i.e., “hammerhead boom”), luffing boom and self-erecting);
- pedestal cranes;
- portal cranes;
- overhead and gantry cranes;
- straddle cranes;

- sideboom cranes;
- derricks; and
- variations of such equipment.

Exclusions from Subpart CC – Cranes and Derricks in Construction:

Under §1926.1400 (c) of the revised standard, OSHA has excluded many lifting devices, including machinery that has been converted to a non-hoisting/lifting use, as well as aerial lifts, forklifts, except when they are configured to hoist and lower by means of a winch or hook and horizontally move a suspended load. Other exclusions from Subpart CC include:

- Excavators (track hoe/backhoe);
- concrete pump trucks w/boom;
- digger derricks;
- power shovels;
- wheel loaders;
- automotive wreckers and tow trucks;
- vehicle mounted work platforms;
- self-propelled elevating work platforms;
- stacker cranes;
- telescopic/hydraulic gantry systems;
- mechanics' trucks with hoisting devices;
- come-a-longs and chain falls;
- gin poles for communication tower work;
- tree trimming and tree removal work;
- anchor handling with a vessel or barge using an affixed A-frame; and
- roustabout lifts;
- helicopter cranes; and
- material delivery

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

On January 20, 2011, the Safety and Health Codes Board adopted federal OSHA's final rule for Cranes and Derricks in Construction, §§1926.1400 through 1926.1442, and Other Related Standards, as published in 75 FR 47906 on August 9, 2010, with an effective date of April 15, 2011.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

This regulatory action will have no impact on the institution of the family and family stability.

To access the final Rule for Cranes and Derricks in Construction, please refer to:

http://www.osha.gov/FedReg_osha_pdf/FED20100809.pdf